

commission know which of the lawyers in a county such as Prince George's or Baltimore or Montgomery or the city of Baltimore are really eligible for the judiciary.

As to the opinion of the lawyers within the bar association, I think this is important and the majority takes cognizance of this by way of the poll of lawyers.

I, too, have done some homework over the weekend but I was really looking for something else. There was an article in the American Bar Journal some time ago which opposed the Missouri Plan; I did not find that, but I did find an article in the September 1964 issue written by Bernard G. Siegal of the Pennsylvania bar. He talks non-partisan selection of judges. Now, Mr. Chairman, their idea of non-partisan selection of judges is a lot different from what we are talking about here in this Convention. In the proposals before us there is only one way to become a judge, and that is through selection by this four-man or five-man or eleven-man commission, and no other way; whereas in Philadelphia and in Pennsylvania there is a very different system. Their idea, proposed and enacted by Governor Scranton is that a commission do the original screening, and that a list is then submitted to the Judiciary Committee of the Bar Association. What is even more important is that the governor reserved unto himself the right to request additional panels. Obviously the system is tremendously different from that being proposed within the majority report.

THE CHAIRMAN: Delegate Rybczynski, your time is up.

DELEGATE RYBCZYNSKI: I would strongly urge the adoption of this amendment.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: I yield three minutes to Delegate Hodge Smith.

DELEGATE J. H. SMITH: Mr. Chairman and fellow delegates: I am not a Harvard lawyer. I am a Maryland lawyer, like Delegate Dorsey, but I am not as distinguished an orator as he is.

I am completely sold on this plan and have been for several years. We are getting back to anatomy. This is the guts or the heart of the merit plan, or Niles plan. The appellate level of judges is the place where we least need this plan. By the time the man gets to a stature that he is eligible or qualified for service on our highest courts he is pretty much above the political

arena. It has been very seldom in recent years that politics has played any part in our intermediate appellate court or the Court of Appeals.

Judges do not have to present any policies; they are not running on partisan political basis. A judicial candidate cannot go out and say, "I have more integrity than my opponent." He cannot say, "I am a better lawyer than my opponent; I would be an excellent judge."

What he is faced with is putting himself up on the political auction block and saying, "Vote for me." He has to go to the local political machine so that at least he will be on the sample ballot, and it is really just a popularity contest from that time on.

The question was asked here the other day: Don't we trust the voters? This was a loaded question, and it was meant to be loaded. Certainly we trust the voters, but how can a voter make an intelligent choice when he does not know what a man's qualifications are?

In the urban counties it is impossible to know what the man's qualifications are. The voters know he has practiced law. They know he is a lawyer, and that is about all they know.

THE CHAIRMAN: For what purpose does Delegate Malkus rise?

DELEGATE MALKUS: Will you yield to a question?

THE CHAIRMAN: The inquiry is made whether you desire to yield to a question. You have about twenty seconds left.

DELEGATE J. H. SMITH: No.

If we assume that election on a partisan basis is the worst, what is the best? We think we have given you a compromise. It is a plan that has been tried. It is nothing new. It worked for twenty-seven years in Missouri. It has been adopted in one form or another in fourteen states in this union, and I ask you to support it.

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: Before I call on our next speaker, the amendment deals with selection. Everyone has been talking about election. This is selection. Do not be confused by it.

I would like to yield three minutes to Delegate Blair.

DELEGATE BLAIR: I disagree that this is divisible and that the elective process